

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 05-4423**

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

BENJAMIN J. JONES,

Defendant - Appellant.

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Appeal from the United States District Court for the Western  
District of North Carolina, at Charlotte. Richard L. Voorhees,  
District Judge. (CR-92-30)

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Submitted: November 4, 2005

Decided: November 17, 2005

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Before MICHAEL, KING, and SHEDD, Circuit Judges.

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Affirmed by unpublished per curiam opinion.

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C. Jennifer Coble, COBLE & SNOW, L.L.P., Charlotte, North Carolina,  
for Appellant. Gretchen C. F. Shappert, United States Attorney,  
Keith M. Cave, Assistant United States Attorney, Charlotte, North  
Carolina, for Appellee.

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Unpublished opinions are not binding precedent in this circuit.  
See Local Rule 36(c).

PER CURIAM:

Benjamin J. Jones appeals the district court's order revoking his supervised release on the basis that he committed attempted murder and was a felon in possession of a firearm during his term of supervised release. This court reviews a district court's revocation of supervised release for abuse of discretion. United States v. Copley, 978 F.2d 829, 831 (4th Cir. 1992).

We have reviewed the record and find no reversible error. A violation of a condition of supervised release must be proved by a preponderance of the evidence. See 18 U.S.C.A. § 3583(e)(3) (2000); Johnson v. United States, 529 U.S. 694, 700 (2000). A state conviction for the underlying conduct is not required, and the district court's finding of witness credibility in the revocation hearing is not reviewable. See U.S. Sentencing Guidelines Manual § 7B1.1, comment. (n.1) (2002); United States v. Saunders, 886 F.2d 56, 60 (4th Cir. 1989).

Accordingly, we affirm the district court's judgment revoking Jones's supervised release. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

AFFIRMED